

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JIM CAGE,

Plaintiff,

v.

A. JOHNSON, et al.,

Defendants.

Case No.: 1:22-cv-01429-CDB (PC)

**ORDER DISCHARGING ORDER TO
SHOW CAUSE**

(Doc. 32)

**ORDER WITHDRAWING MOTION TO
COMPEL**

(Doc. 31)

Plaintiff Jim Cage is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's Eighth Amendment excessive force claim against Defendant Rojas.

I. INTRODUCTION

On June 26, 2024, Defendant Rojas filed a motion to compel outstanding responses to interrogatories and a request for production of documents propounded to Plaintiff on February 1, 2024. (*See* Doc. 31.) Relevant here, the motion was served to Plaintiff at his address of record with the Court (California State Prison – Sacramento) and to Plaintiff at Pelican Bay State Prison.¹ (*Id.* at 6.)

¹ Defense counsel's meet and confer letter dated April 18, 2024, was directed to Plaintiff at Pelican Bay State Prison. (*See* Doc. 31-3 at 2, 15.)

On July 24, 2024, the Court issued its Order to Show Cause in Writing Why Sanctions Should Not Be Imposed for Plaintiff's Failure to Keep the Court Apprised of His Current Address and Failure to File an Opposition or Statement of Non-Opposition to Defendant's Motion to Compel. (*See* Doc. 32.)

On August 1, 2024, Defendant Rojas filed a notice with the Court indicating that defense counsel's office received Plaintiff's responses to the outstanding discovery on July 10, 2024, and requested the motion to compel be withdrawn. (Doc. 33.)

On August 5, 2024, the United States Postal Service returned the OSC directed to Plaintiff at California State Prison – Sacramento marked "Undeliverable."² A forwarding address of Pelican Bay State Prison was provided. Accordingly, the Clerk of the Court updated Plaintiff's address of record to Pelican Bay State Prison.

Although Plaintiff has not provided a written response to the OSC, given the record summarized above, the Court finds good cause to discharge the OSC and grant Defendant's request to withdraw the pending motion to compel.

Plaintiff is advised that a failure to comply with this Court's orders, the Federal Rules of Civil Procedure, or the Court's Local Rules may result in a dismissal of this action for a failure to obey court orders and failure to prosecute.

II. CONCLUSION AND ORDER

Accordingly, the Court **ORDERS**:

1. The OSC issued July 24, 2024 (Doc. 32) is **DISCHARGED**; and
2. Defendant's request to withdraw the motion to compel (Doc. 33) is **GRANTED**. The Clerk of the Court shall terminate the motion.

IT IS SO ORDERED.

Dated: **August 7, 2024**


UNITED STATES MAGISTRATE JUDGE

² The OSC was also served to Plaintiff at Pelican Bay State Prison. (*Id.* at 3.)